

REMARKS***Remaining Claims***

Fourteen (14) claims (Claims 1, 3-7, 10-12, 14, 15, 22-23 and 25) remain pending in this application through this reply. Applicants have enclosed a copy of the certified translation of the priority document. No claims have been amended.

Rejection of Claims under 35 USC §103(a)

1. Claims 1, 3-7, 10, 13, and 15 were rejected under 35 USC 103(a) as being unpatentable over Martin '087, in view of Duis et al. '090 and Kiyosaki JP 08-047784 and Farnworth et al ('284).. This rejection is respectfully traversed for the following reasons.

Applicants have enclosed a copy of the certified translation of the priority document. As the Examiner noted in his office action "the perfection of priority with a certified translation would obviate this rejection..." The applicants, by sending the translation seek to perfect priority. Hence, without the use of Farnsworth none of the cited references disclose using a stopper bar to stop containers prior to laser marking. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

2. Claims 1-7, 10-13 and 15 were rejected under 35 USC 103(a) as being unpatentable over Martin et al. '087 in view of Duis et al. '090, Kiyosaki JP 08-047784, Farnworth '284 and Roy '771. Claim 13 has been cancelled. The rejection over claims 1-7, 10-12, and 15 is respectfully traversed for the same reason as listed above, which includes the stopper bar element and the fact that with perfected priority Farnworth is not available as a reference.

Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

3. The combination of Martin et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, and Roy '771 also forms the basis for the rejection of claims 1-7, and 10-15 under 35 USC 103(a) as being unpatentable over Martin et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, Farnworth, and Roy '771, in combination with one additional secondary reference (Bornfleth et al. '683). As discussed above, when priority is perfected Farnworth may not be used as a reference. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

4. Claims 1-7, 10-13, 15,22,23, and 25-26 were rejected under 35 USC 103(a) as being unpatentable over Martin et al. '087 in view of Duis et al., Kiyosaki JP 08-047784, Farnworth '284,


Roy '771 and Kim et al. '878. This rejection is respectfully traversed due to the perfection of priority as outlined above. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

CONCLUSION

For the foregoing reasons, Applicants submit that Claims 1, 3-7, 10-12, 14, 15, 22-23 and 25 are patentable over the cited prior art. Applicant respectfully requests reconsideration and withdrawal of the claim rejections set-forth in the Office Action and allowance of claims 1, 3-7, 10-12, 14, 15, 22-23 and 25.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision Corporation, Legal Patent Department, 11460 Johns Creek Parkway Duluth, GA 30097-9897. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



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Date: 2 March 2005

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